

1 IRELL & MANELLA LLP  
Allan J. Abshez (Bar No. 115319)  
2 Michael S. Lowe (Bar No. 173664)  
1800 Avenue of the Stars  
3 Suite 900  
Los Angeles, California 90067-4276  
4 Telephone: (310) 277-1010

5 Attorneys for Petitioner Frank  
Mancuso, Sr.  
6

7 Peter H. Kaufman  
Deputy Attorney General  
8 For the State of California  
110 West A Street, Suite 1100  
9 San Diego, California 92101  
Telephone: (619) 645-2012  
10

11 Attorneys for Respondents The  
California Coastal Conservancy,  
The California Coastal  
12 Conservancy Board and The  
Department of General Services  
13  
14

15 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF LOS ANGELES  
17

18 FRANK MANCUSO, SR., an  
individual,

19  
20 Petitioner,

21 v.

22 CALIFORNIA STATE COASTAL  
CONSERVANCY, et al.

23 Respondents.  
24

CASE NO. BS 040197

STIPULATION AND [PROPOSED]  
ORDER RE AMENDED PETITION FOR  
WRIT OF MANDATE

**FILED**  
LOS ANGELES SUPERIOR COURT

NOV 25 1996

JOHN A. CLARKE, CLERK

*Darolyn Jensen*  
BY DAROLYN JENSEN, DEPUTY

CENTRAL COURTHOUSE  
DP 10 M 04 11/25/96 09:14  
T# 105370 0003  
REG OF ACT 14:00

STIPULATION

1  
2 1. Petitioner Frank Mancuso, Sr. ("Petitioner") has filed an  
3 action challenging the Coastal Conservancy's approval of the  
4 expenditure of funds for a feasibility study. The basis of the  
5 petition is the alleged failure of the Conservancy to provide  
6 notice and opportunity to be heard and for the alleged failure to  
7 comply with CEQA.

8 2. Petitioner wishes to amend its Petition to add claims related  
9 to the alleged authorization of the Coastal Conservancy of a  
10 proposed 20-year property management agreement with the Mountains  
11 Recreation and Conservation Authority, pursuant to which the  
12 Conservation Authority would manage the Easement which is the  
13 subject of Petitioner's action.

14 3. Such claim and Petitioner's current action share related  
15 issues of fact and law, and judicial efficiency and the respective  
16 interests of the parties would be served by allowing such claim to  
17 be resolved in the context of Petitioner's current action.

18 4. Therefore, Petitioner and Respondents the Coastal  
19 Conservancy, and the Department of General Services, by their  
20 undersigned counsel, hereby stipulate as follows:

21 a. Petitioner may file and serve an amended petition for  
22 writ of mandate no later than November 29, 1996, adding claims  
23 with respect to the Conservancy's proposed 20-year property  
24 management agreement with the Mountains Recreation and  
25 Conservation Authority ("MRCA") and naming the MRCA as a party;

26 b. The briefing schedule and hearing date currently  
27 established by the Court with respect to Petitioner's original  
28 petition shall be vacated;



1 c. A new briefing schedule and hearing date will be  
2 established by the Court, pursuant to which an augmented record  
3 shall be prepared by the Conservancy and served no later than  
4 December 30, 1996. Petitioner's opening brief is to be filed in  
5 Department 85 and served no later than January 15, 1997;  
6 Respondents' opposition brief is to be filed in Department 85 and  
7 served no later than February 5, 1997; and Petitioner's reply  
8 brief is to be filed in Department 85 and served no later than  
9 February 14, 1997.

10 d. The hearing on the amended petition will be held in  
11 Department 85 on February ~~28~~<sup>20</sup>, 1997, at 9:30 a.m.

12 5. This stipulation is intended to be used for case management  
13 purposes only. Nothing in this stipulation shall constitute an  
14 admission, or a waiver of any argument or defense that may be  
15 asserted by any party in connection with Petitioner's action.


16  
17 IT IS SO STIPULATED.

18 Dated: November 21, 1996

IRELL & MANELLA LLP  
Allan J. Abshez  
Michael S. Lowe

20

21

By:   
Allan J. Abshez

22

23 Dated: November \_\_, 1996

Peter H. Kaufman  
Deputy Attorney General  
For the State of California

24

25

26

27

By: \_\_\_\_\_  
Peter H. Kaufman

28

1 c. A new briefing schedule and hearing date will be  
2 established by the Court, pursuant to which an augmented record  
3 shall be prepared by the Conservancy and served no later than  
4 December 30, 1996. Petitioner's opening brief is to be filed in  
5 Department 85 and served no later than January 15, 1997;  
6 Respondents' opposition brief is to be filed in Department 85 and  
7 served no later than February 5, 1997; and Petitioner's reply  
8 brief is to be filed in Department 85 and served no later than  
9 February 14, 1997.

10 d. The hearing on the amended petition will be held in  
11 Department 85 on February 20, 1997, at 9:30 a.m.

12 5. This stipulation is intended to be used for case management  
13 purposes only. Nothing in this stipulation shall constitute an  
14 admission, or a waiver of any argument or defense that may be  
15 asserted by any party in connection with Petitioner's action.

16  
17 IT IS SO STIPULATED.

18 Dated: November \_\_, 1996

IRELL & MANELLA LLP  
Allan J. Abshees  
Michael S. Lowe

20

21

By:

Allan J. Abshees

22

23 Dated: November 21, 1996

Peter H. Kaufman  
Deputy Attorney General  
For the State of California

24

25

26

27

By:

  
Peter H. Kaufman

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

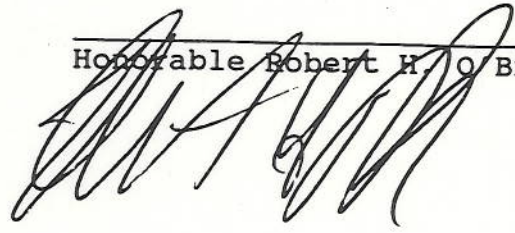
ORDER

IT IS SO ORDERED, *except that the hearing date shall be 2/11/97 instead of 2/20/97.*

Dated:

*11/25/96*

Honorable Robert H. O'Brien





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067.

On November 22, 1996, I served the foregoing document described as STIPULATION AND [PROPOSED] ORDER RE AMENDED PETITION FOR WRIT OF MANDATE on each interested party, as follows:

Peter H. Kaufman  
Deputy Attorney General  
for the State of California  
110 West "A" Street, Suite 1100  
San Diego, California 92101

X


(BY MAIL) I placed a true copy of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Irell & Manella LLP, Los Angeles, California. I am readily familiar with Irell & Manella LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

\_\_\_\_\_  
(BY FAX) I caused the foregoing document to be served by facsimile transmission at the time shown on each attached transmission report from sending facsimile machine telephone number (310) 203-7199 to each interested party at the facsimile machine telephone number shown above. Each transmission was reported as complete and without error. A transmission report was properly issued by the sending facsimile machine for each interested party served. A true copy of each such transmission report is attached hereto.

Executed on November 22, 1996, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Michelle Bernier  
Name

  
Signature



1 PROOF OF SERVICE

2 I am employed in the County of Los Angeles, State of  
3 California. I am over the age of 18 and not a party to the within  
4 action. My business address is 1800 Avenue of the Stars, Suite  
900, Los Angeles, California 90067.

5 On November 25, 1996, I served the foregoing document  
6 described as PROOF OF SERVICE RE STIPULATION AND ORDER RE AMENDED  
PETITION FOR WRIT OF MANDATE on each interested party, as follows:

7 Peter H. Kaufman  
8 Deputy Attorney General  
for the State of California  
110 West "A" Street, Suite 1100  
9 San Diego, California 92101

10 X

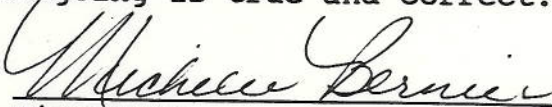
11 (BY MAIL) I placed a true copy of the foregoing  
12 document in a sealed envelope addressed to each  
13 interested party as set forth above. I placed each  
14 such envelope, with postage thereon fully prepaid,  
15 for collection and mailing at Irell & Manella LLP,  
16 Los Angeles, California. I am readily familiar  
with Irell & Manella LLP's practice for collection  
and processing of correspondence for mailing with  
the United States Postal Service. Under that  
practice, the correspondence would be deposited in  
the United States Postal Service on that same day  
in the ordinary course of business.

17 \_\_\_\_\_ (BY FAX) I caused the foregoing document to be  
18 served by facsimile transmission at the time shown  
19 on each attached transmission report from sending  
20 facsimile machine telephone number (310) 203-7199  
21 to each interested party at the facsimile machine  
22 telephone number shown above. Each transmission  
was reported as complete and without error. A  
transmission report was properly issued by the  
sending facsimile machine for each interested party  
served. A true copy of each such transmission  
report is attached hereto.

23 Executed on November 25, 1996, at Los Angeles, California.

24 I declare under penalty of perjury under the laws of the  
25 State of California that the foregoing is true and correct.

26 Michelle Bernier  
27 Name

  
Signature